

ALAN R. SMITH, ESQ.  
Nevada Bar No. 1449  
KEVIN A. DARBY, ESQ.  
Nevada Bar No. 7670  
Law Offices of Alan R. Smith  
505 Ridge Street  
Reno, Nevada 89501  
Telephone (775) 786-4579  
Facsimile (775) 786-3066  
Email: [mail@asmithlaw.com](mailto:mail@asmithlaw.com)

*Electronically Filed - March 1, 2007*

Attorneys for Lenders Protection Group

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

—ooOoo—

In re:  
USA COMMERCIAL MORTGAGE  
COMPANY,  
  
Debtor.

Case Nos.:  
BK-S-06-10725-LBR  
BK-S-06-10726-LBR  
BK-S-06-10727-LBR  
BK-S-06-10728-LBR  
BK-S-06-10729-LBR

\_\_\_\_\_  
In re:  
USA CAPITAL REALTY ADVISORS,  
LLC,  
  
Debtor.

JOINTLY ADMINISTERED  
Chapter 11  
Hearing Date: March 1, 2007  
Hearing Time: 9:30 a.m.

\_\_\_\_\_  
In re:  
USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,  
  
Debtor.

**DECLARATION OF LYNN L.  
FETTERLY IN SUPPORT OF MOTION  
FOR LIMITED STAY PENDING  
APPEAL**

\_\_\_\_\_  
In re:  
USA FIRST TRUST DEED FUND, LLC,  
  
Debtor.

\_\_\_\_\_  
In re: USA SECURITIES, LLC,  
  
Debtor.

\_\_\_\_\_  
Affects: All Debtors  
\_\_\_\_\_

I, Lynn L. Fottally, IRA, being first duly sworn, do depose and say under the penalty of perjury:

1. I am a creditor in the USA Commercial Mortgage Company ("USACM") bankruptcy case (BK-S-06-10725-LBR) with claims classified as A-4 (General Unsecured Claims) and A-5 (Direct Lender Compromise Claims) classified in Debtors' Third Amended Joint Chapter 11 Plan of Reorganization filed herein on November 15, 2006.

2. I have knowledge of and am competent to testify to the matters stated herein.

3. Attached hereto as Exhibit A are true and correct copies of the loan summary statement which I received from the Debtor.

4. As detailed in Exhibit A, the Debtors have taken and are holding my property, namely portions of post-petition payments made by third-party borrowers to me as a lender, which payments are processed by Debtor USACM, as a loan servicer.

I hereby swear under penalty of perjury that the assertions of this Declaration are true.

DATED: February 28, 2007

FIRST Savings Bank Boston  
For Lynn Fottally, IRA  
 Legal Vesting Name

By: Lynn L. Fottally  
 Name  
Lynn L. Fottally

P.O. Box 5986

Incline Village, NV 89450

Declaration

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**USA Commercial Mortgage Company**  
as Loan Servicing Agent for Loans Listed Below

**Check Statement for October 1, 2006 through October 31, 2006**

**Account ID: 3294**

First Savings Bank Custodian For Lynn Fetterly IRA

2605 E. Flamingo Road  
Las Vegas, NV 89121

Loan Name	Principal Received In Current Period	Prior Period Principal Due to (from) Investor	Net Interest Received in Current Period	Prior Period Interest Due to (from) Investor	Total Due to (from) Investor
Fiesta Oak Valley	\$0.00	\$0.00	\$0.00	(\$20,538.27)	(\$20,538.27)
HFA- Clear Lake	\$0.00	\$0.00	\$0.00	(\$9,473.30)	(\$9,473.30)
Hesperia II	\$0.00	\$0.00	\$416.49	\$6,478.04	\$6,894.53
	\$0.00	\$0.00	\$416.49	(\$23,533.53)	(\$23,117.04)
Prior Period Holdback:					
Uncollected Amount					(\$344.23)
Court Required Holdbacks:					
2% Service Fees					(\$52.06)
Collection Costs					(\$34.58)
Net Check Amount					(\$23,547.91)

The current period is the period covered by the statement.

The prior period reflects the amounts netted or held back post-petition.

This statement is provided for information purposes only and is intended for the sole benefit of the named vested party.

This statement is not intended to represent a loan payoff quote.

USACM reserves the right to update and supplement this statement.

THIS STATEMENT REFLECTS THE STATUS THROUGH OCTOBER 31, 2006

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